

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

FILED

2014 AUG 18 A 10: 54

U.S. BANKRUPTCY COURT  
E.D. MICHIGAN - DETROIT

In re  
City of Detroit,  
Debtor

Chapter 9  
Case No. 13-53846  
Hon.: Steven W. Rhodes

\_\_\_\_\_ /

**MOTION TO ALLOW PARTICIPATION AT TRIAL REGARDING  
CONFIRMATION OF DEBTOR'S PLAN OF ADJUSTMENT  
ORAL ARGUMENT REQUESTED**

NOW COMES, Creditor Dennis Taubitz in pro per and for his Motion to Allow Participation At trial Regarding Confirmation of Debtor's Plan of Adjustment states as follows:

1. This Creditor never agreed to be represented by the "Retiree Committee", contrary to Debtor's fraudulent representation.
2. Creditor filed timely Objections to Debtor's eligibility and to Debtor's Plan of Adjustment, including the Debtor's Fourth and Fifth Amended Plan of Adjustment of the Debts of the City of Detroit.
3. Also, Creditor filed a Motion to Participate in any negotiation or mediation that sought to impair this Creditor's rights and interest.
4. This Court, however, improperly denied this Creditor's Motion to Participate in the eligibility trial and in the following negotiations and mediation which resulted in some creditors settling with the Debtor.

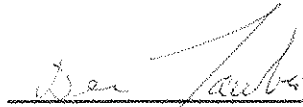
5. This Court improperly denied the due process rights of the Creditor by disallowing Creditor from participating in the trial, negotiations and mediations.
6. Indeed, this Court's violation of the Creditor's due process rights continues. This Court entered its "Order Regarding Participation at the Confirmation Hearing by Creditors Who Filed Objections Without an Attorney" dated August 7, 2014; and this Creditor did not receive the Order until several days later. The Court's requirement that a motion to participate in the Confirmation Hearing be filed by August 18, 2014 does not constitute fair notice. This Court has repeatedly sought to move this case quickly to the detriment of the due process rights of the Creditor.
7. Further paragraph 3 of this Court's Order places undue restriction upon the creditors.
8. This Court seeks to discriminate against in pro per creditors as creditors represented by counsel do not have to file a motion in order to participate in the Confirmation Hearing.
9. This Court also states in its Order "In an effort to address both the rights of those objecting creditors to be heard and the necessity of orderly process". This is another clear indication that this Court is continuing to ignore the basic fundamental legal concept of due process. Clearly, It is the ability of the Creditor to have fair notice and a fair hearing before a competent tribunal that is important. It does not matter if by providing the Creditor's with due process, a less than orderly process results.
10. Additionally, this Court in its Order states: "It is hereby ordered that the following procedures shall apply to any such Creditor's request to present evidence at the Confirmation Hearing by either (1) presenting his or her own witness (including himself or herself) or (2) questioning other parties or witnesses". Creditor submits that creditors

are indeed parties to this litigation, and as a party have the absolute right to testify as their own witness and to question any other witness.

11. This Creditor submits that the Court's Order in question should be held null and void as it violates the due process rights of the creditors.
12. Creditor, without waiving any of its objections to the order in question submits the following in his Motion to Allow Participation at Trial Regarding Confirmation of the Debtor's Plan of Adjustment:
  - 12a. See Creditor's Witness List.
  - 12b. The Debtor's Plan is not Confirmable.
  - 12c. As Creditor has no idea how long the cross examination of the witnesses will take place, Creditor is unable to specify the length of time each testimony will take.
  - 12d. In light of the Court's failure to ensure due process, this Creditor is unable to determine what evidence other creditors may choose to utilize and therefore whether it is duplicative. However, this Court should be aware that each creditor is a party to this action and due process requires that a party be allowed to present evidence that they deem important and relevant to the case. The fact that the evidence may be duplicative is irrelevant.
  - 12e. See Creditor's Exhibit List.
13. This Creditor submits that this Creditor and any other creditor who desires must be allowed to participate in the confirmation hearing due to the requirement of due process.
14. This Creditor will submit a trial brief prior to the commencement of the Confirmation Hearing.

WHEREFORE, Creditor Dennis Taubitz prays that this Court grant Creditor's Motion to Allow Participation at Trial Regarding Confirmation of the Debtor's Plan of Adjustment.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Dennis Taubitz", is written over a horizontal line.

Dennis Taubitz  
In Pro Per  
Creditor  
3051 Lindenwood Drive  
Dearborn, MI 48120  
(313) 632-9150

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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**BRIEF IN SUPPORT**

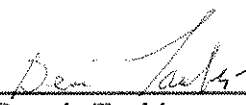
Due process consists of fair notice and a fair hearing before a competent tribunal.

This Creditor submits that a fair hearing is a hearing that one is allowed to fully participate in. Conversely, the Creditor submits that if one is not allowed to participate, the hearing must be deemed unfair.

This Creditor submits that his due process rights are being violated and will continue to be violated until he is allowed to participate in the Debtor's trial regarding the Confirmation hearing.

WHEREFORE, based on the foregoing, this Creditor respectfully prays that this Honorable Court grant Creditor's Motion to Allow Participation at Trial Regarding Confirmation of the Debtor's Plan of Adjustment.

Respectfully submitted,

  
\_\_\_\_\_  
Dennis Taubitz  
In Pro Per  
Creditor  
3051 Lindenwood Drive  
Dearborn, MI 48120  
(313) 632-9150

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**WITNESS LIST**

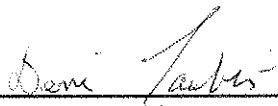
NOW COMES, Creditor Dennis Taubitz in pro per and for his Witness List states as follows:

1. Kevyn Orr.
2. Michael Duggan.
3. Judge Gerald Rosen.
4. Brenda Jones.
5. Keeper of the Record, Detroit Institute of Arts.
6. Keeper of the Record, City of Detroit.
7. Kathleen Leavey.
8. Michael Karowski.
9. Terri Renshaw.
10. Thomas Sheehan.
11. Patrick Murray.
12. James Edwards.
13. Thomas Cippolone.

14. Mary Beth Cobbs.
15. Irma Industrious.
16. Dennis Taubitz.
17. Any Witness listed by Debtor.
18. Any witness listed by any other creditor.
19. Any necessary rebuttal witness.
20. Keeper of the Record Board of Trustee of the City of Detroit General Retirement System,  
including but not limited to Virginia Sikora.
21. Peter Macuga.
22. Any present or former Treasurer of the City of Detroit.

The testimony of each witness will concern the validity of Debtor's annuity savings recoupment and the confirmability of the Plan of Adjustment.

Respectfully submitted,

  
\_\_\_\_\_  
Dennis Taubitz  
In Pro Per  
Creditor  
3051 Lindenwood Drive,  
Dearborn, MI 48120  
(313) 460-4731

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re  
City of Detroit, Michigan  
Debtor


Chapter 9  
Case No. 13-53846  
Hon.: Steven W. Rhodes

**EXHIBIT LIST**

NOW COMES, Creditor Dennis Taubitz in pro per and for his Exhibit List states as follows:

1. Debtor's Petition for Bankruptcy.
2. Debtor's Fourth Amended Plan of Adjustment.
3. Debtor's Fifth Amended Plan of Adjustment.
4. Any other Plan of Adjustment the Debtor may file.
5. Creditor's voting ballot and material supplied with the ballot.
6. State of Michigan Constitution.
7. Audit report of the City of Detroit General Retirement System.
8. Any other evidence presented by any other party in relation to the Confirmation Hearing.

Respectfully submitted,

  
\_\_\_\_\_  
Dennis Taubitz  
In Pro Per  
Creditor  
3051 Lindenwood Drive,  
Dearborn, MI 48120  
(313) 460-4731



UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re  
City of Detroit,  
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Chapter 9  
Case No. 13-53846  
Hon.: Steven W. Rhodes

**ORDER GRANTING CREDITOR'S MOTION TO PARTICIPATE  
AT TRIAL REGARDING THE CONFIRMATION OF DEBTOR'S  
PLAN OF ADJUSTMENT**

**It is ORDERED AND ADJUDGED**, that Creditor Dennis Taubitz's Motion to Participate at Trial Regarding the Confirmation of Debtor's Plan of Adjustment is hereby **GRANTED**.

**It is FURTHER ORDERED AND ADJUDGED**, that Creditor Dennis Taubitz shall be provided with written notice sent by U.S. mail of any pleadings, briefs, exhibits or other documents related to the Confirmation Hearing.

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BANKRUPTCY JUDGE  
Steven W. Rhodes

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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City of Detroit,  
Debtor

Chapter 9  
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U.S. BANKRUPTCY COURT  
E.D. MICHIGAN - DETROIT

**NOTICE OF MOTION TO PARTICIPATE IN THE CONFIRMATION HEARING**

Creditor Dennis Taubitz has filed papers with the court a Motion to Allow Participation at Trail Regarding Confirmation of Debtor's Plan of Adjustment.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the court to grant the Motion to Allow Participation at Trail Regarding Confirmation of Debtor's Plan of Adjustment, or if you want the court to consider your views on the Motion to Allow Participation at Trail Regarding Confirmation of Debtor's Plan of Adjustment, then within 14 days you or your attorney must:

File with the court a written request for a hearing {or if the court requires a written response, an answer explaining your position} at:

Attn: Bankruptcy Court Clerk  
United States Bankruptcy Court  
Eastern District of Michigan  
211 West Fort Street  
Detroit, MI 48226

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

Dennis Taubitz  
3051 Lindenwood Drive  
Dearborn, MI 48120

Heather Lennox  
Bruce Bennett  
Jones Day  
555 South Flower Street – Fiftieth Floor  
Los Angeles, CA 90071

Sam J. Alberts  
Dentons US LLP  
1301 K Street NW  
Suite 600 East Tower  
Washington DC 20005

Attend the hearing scheduled to be held on the date and time and Courtroom set by this court, United States Bankruptcy Court, Eastern District of Michigan, 211 West Fort Street, Detroit, MI 48226.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: Aug 18, 2011

Signature:   
Name: Dennis Taubitz  
Address: 3051 Lindenwood Drive, Dearborn, MI 48120

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

2014 AUG

IN RE:

J.S. BANK  
E.D. MICH

CASE NO: 13-53846  
CHAPTER: 9  
JUDGE: Hon Steven W. Rhodes

City of Detroit Debtor.

**PROOF OF SERVICE**

I hereby certify that on AUG 18, 2014 (date of mailing), I served

copies as follows:

1. Document(s) served:

- 1) Motion to Allow Participation at Trial regarding confirmation of Debtor's plan of Adjustment
- 2) Witness List
- 3) Exhibit List
- 4) Proposed Order
- 5) Notice of Motion to Participate in the Confirmation Hearing
- 6) Proof of Service

2. Served upon [name and address of each person served]:

Sam Alberts  
Dentons US LLP  
1301 K Street NW  
Suite 600 East Tower  
Washington DC  
20005

Heather Leight  
Bruce Bennett  
Jones Day  
555 South Flower St  
Fifth Floor  
Los Angeles, CA  
90005

U.S. BANKRUPTCY COURT  
E.D. MICHIGAN  
2014 AUG 19 P 1:29  
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3. By First Class Mail.

Dated: AUG 18, 2014

Dennis Taubitz  
(Signature of Debtor) Creditor

Print Name: Dennis Taubitz

\_\_\_\_\_  
(Signature of Co-Debtor)

Print Name: \_\_\_\_\_